REMARKS

In the Final Office Action mailed January 11, 2008, claims 1-6, 12, 15-17 and 23

stand rejected under 35 USC 102(a) as being anticipated by U.S. Patent Publ. No.

2003/0004874 to Ludwig et al. (hereinafter "Ludwig et al."). Claims 8-9, 11, 13-14, 19-

20, 22, 24-26 and 28-29 stand rejected under 35 USC 103(a) as being obvious over

Ludwig et al. in view of U.S. Patent No. 6,493,685 to Ensel et al. (hereinafter "Ensel et

al."). Applicant respectfully disagrees with the Examiner's analysis of the claims and

requests reconsideration of the claims in light of the remarks contained herein. Note that

Applicant has not amended the claims, but has presented the claims above for

completeness in this paper.

A rejection based on anticipation "requires that all of the elements and limitations

of the claim [be] found within a single prior art reference." Scripps Clinic & Research

Foundation v. Genentech Inc., 18 U.S.P.Q. 1001, 1010 (Fed. Cir. 1986)(citing Carella v.

Starlight Archery and Pro Line Co., 804 F.2d 135, 138, 231 U.S.P.Q. 644, 646 (Fed. Cir.

1986)). "If it is necessary to reach beyond the boundaries of a single reference to provide

missing disclosure of the claimed invention, the proper ground [for rejection] is not a

§102 anticipation." Id. Ludwig et al. does not show all the elements of claim 1. The

language of claim 1 requires that the application server include "... **a first application**

component, operably coupled to said first means, **that interacts in real-time over a**

network with an authenticated first-entity-class user to enter, create, maintain, and

store billing information pertaining to at least one second entity and **to create,**

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maintain and store invoices related to said billing information and pertaining to said

at least one second entity...." (emphasis added). Such a first application component is not

found in the Ludwig et al. reference.

In contrast to the present invention, billing information for generating invoices in

the Ludwig et al. system is not created by real-time user interaction with the application

server 18, but is loaded from the external biller system 12 into the database 36 of the

application server 18 by an invoice loading process 34 (manual or automatic loading) as

described in paragraphs 43-46 and 74 of Ludwig et al. Moreover, invoices of the Ludwig

et al. system are not created by real-time user interaction with the application server 18,

but are loaded from the external biller system 12 into the database 36 of the application

server 18 by the loading process 34 (manual or automatic loading) as described in

paragraphs 43-46 and 74 of Ludwig et al. The Examiner asserts that such features are

taught by paragraphs 24, 25 and 37 of Ludwig et al. which state:

> "[0024] ... Alternatively, permutations of each of the biller system 12, payer
>
> system 14, business server provider 16 and ASP 18 (payment processing system)
>
> may be commonly controlled and/or located at a single entity."
>
> "[0025] ... The biller system 12 and payer system 14 may interface with the ASP
>
> 18 in real time via a web browser or other TCP/IP compliant software."
>
> "[0037]... In operation, the server may be operating with a plurality of remote
>
> clients simultaneously and/or utilizing a multi-tasking based operating system."

Location and/or control over these disparate systems at a single entity as described in paragraph 24 and real-time interaction between components as described in paragraph 25 together with server interaction with a plurality of remote clients as described in paragraph 37 does not teach or suggest that the ASP 18 include the functionality of the first application component of claim 1 - namely, i) **entering, creating, maintaining, and storing billing information in response to real-time user interaction as well as ii) creating, maintaining and storing invoices based on the billing information in response to real-time user interaction**. Instead, it is clear that the teachings of paragraphs 24, 25 and 37 describe functionality for supporting the invoice loading process for transferring **pre-existing invoice data** from the billing system 12 to the database 36 of the application server 18 in Ludwig et al.

Because Ludwig et al. fails to teach or suggest important limitations of claim 1, Applicant respectfully asserts that claim 1 is patentable over Ludwig et al. Moreover, in light of the arguments set forth above, Applicant respectfully submits the anticipation rejection of claim 1 in view of Ludwig et al. is clearly flawed and should be removed. Similar arguments apply to independent claim 15.

The dependent claims 2-6, 8, 9, 11-14, 16, 17, 19, 20 and 22-25 are patentable over the cited prior art for those reasons advanced above with respect to independent claims 1 and 15 from which they respectively depend and for reciting additional features that are not taught or suggested by the cited prior art.

For example, claim 11 recites that "said first application component enables access to particular invoice information by at least one authenticated second-entity-class user only after posting of said particular invoice information, wherein the posting of said particular invoice information is accomplished by real-time interaction over the network with an authenticated first-entity-class user." Nowhere does the cited prior art teach or suggest this feature. The Examiner relies on portions of column 13 and 14 of Ensel et al. as suggesting this feature. However, these portions of Ensel et al. describe loading of pre-existing bills from biller systems 5 to the Biller Acquisition Platform (BAP) 200. The bills maintained by the BAP 200 are presented and delivered to customers in paper form (col. 12) or are presented and delivered to customers in electronic form via an application server 240 in accordance with enrollment data contained in the database 202 (cols. 13 and 14). Importantly, the application server 240 of Ensel et al. does not provide for user interaction that occurs in real-time over a network **for posting a particular invoice** as required by claim 11. Such invoice posting process governs access to particular invoice information by at least one authenticated second-entity-class user. Nowhere is this posting process taught or suggested by Ensel et al. where the presentation and delivery of bills is dictated by stored enrollment data. For these reasons, Applicant respectfully submits that claim 11 is patentable over the cited prior art. Similar arguments apply to dependent claim 22 and independent claim 26.

In another example, dependent claim 8 recites that "said first application component enables access to particular billing information by at least one authenticated second-entity-class user in response to finalization of said particular billing information,

wherein the finalization of said particular billing information is accomplished by real-time interaction over the network with an authenticated first-entity-class user." Nowhere does the cited prior art teach or suggest this feature. The Examiner relies on column 15, lines 12-26 of Ensel et al. as suggesting this feature. However, this paragraph of Ensel et al. describes online access for customer service representatives of the biller for certain tasks. It does not teach or suggest user interaction with first-entity-class-users (i.e., biller users) that occurs in real-time over a network for finalization of particular billing information and subsequent access control to second-entity-class users (e.g., customer users) as required by claim 8. Importantly, the finalized billing information is not a bill (invoice), but is the underlying data from which the bill (invoice) is created. Because of these important distinctions, the operations of column 15, lines 12-26 of Ensel et al. fail to teach or suggest finalization of billing information via real-time interaction with a first-entity-class-user and subsequent access control to second-entity-class users (e.g., customer users) as required by claim 8. The Examiner is clearly in error by ignoring these important distinctions. For these reasons, Applicant respectfully submits that claim 8 is patentable over the cited prior art. Similar arguments apply to dependent claims 19 and 28.

In yet another example, claim 9 recites that "said particular billing information cannot be added to an invoice until approved by an authenticated second-entity-class user, wherein the approval of said particular billing information is accomplished by real-time interaction over the network with the authenticated second-entity-class user." Nowhere does the cited prior art teach or suggest this feature. The Examiner relies on

paragraph 130, lines 1-4 of Ludwig et al. as suggesting this feature. However, this paragraph of Ludwig et al. describes approval of an invoice, not approval of billing information that makes up the invoice as required by claim 9. This distinction is important as it allows the second-entity-class user (i.e., customer or client) to review and possibly question or dispute the billing information before the invoice is generated and presented to the second-entity-class user. The Examiner is clearly in error by ignoring these important distinctions. For these reasons, Applicant respectfully submits that claim 9 is patentable over the cited prior art. Similar arguments apply to dependent claims 20 and 29.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

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